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October 17, 2017

Honorable John Michael Vazquez, U.S.D.J.
United States District Court for the District of New Jersey
U.S. Courthouse and Post Office Building
50 Walnut Street, Courtroom PO 03
Newark, New Jersey 07101

**Re: *Democratic National Committee, et al. v. Republican National Committee, et al.*,
Civil Action No.: 81-3876 (JMV) (JBC)**

Dear Judge Vazquez:

On behalf of the Republican National Committee, I am writing to request termination of these proceedings.

On October 11, 2017, the RNC served its responses to the Democratic National Committee's interrogatories in compliance with the Court's September 29, 2017 Order (ECF No. 182). Discovery has now closed. As the Court emphasized on more than one occasion, the DNC has provided no evidence that the RNC participated in prohibited ballot security activities during the 2016 election. *See Hr'g Tr. 39:1–5* (Sept. 29, 2017) (THE COURT: “I cannot overemphasize enough that the DNC has presented no evidence to this Court, -- *no evidence to this Court* of any improper ballot security efforts on election day, or around that time.”) (emphasis added); *see Hr'g Tr. 44:6–9* (July 6, 2017) (THE COURT: “I was anticipating after the election the DNC would be back in here and figured out there were ballot security measures going on in these different areas. That evidence has not been produced to me, as the RNC pointed out.”). The RNC’s recent interrogatory responses do not change the circumstances.

Because the DNC has not identified — and *cannot* identify — any evidence supporting its claim that the RNC violated the Consent Decree, the RNC sees no need for further briefing on the merits and respectfully requests an end to this matter. *See Opinion at 36* (Nov. 4, 2016) (ECF No. 138) (“Finally, as to the breach of the Consent Decree, the DNC similarly has not met its burden of showing a violation by a preponderance of evidence.”).

Sincerely,

/s/ Bobby R. Burchfield
Bobby R. Burchfield

cc: DNC Counsel (by ECF)

EXHIBIT A

1 THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY
3 CIVIL ACTION NO. 81-3876 (JMV)

4 - - - - - - - - - - - - - - - x
5 DEMOCRATIC NATIONAL COMMITTEE, : TELEPHONIC
6 et al., : TRANSCRIPT
7 Plaintiffs, : OF
8 -v- : PROCEEDINGS
9 REPUBLICAN NATIONAL COMMITTEE, : (TELEPHONIC CONFERENCE)
10 et al., :
11 Defendants. :
12 - - - - - - - - - - - - - - - x

13 September 29, 2017
14 Newark, New Jersey

15 B E F O R E: HONORABLE JOHN MICHAEL VAZQUEZ, U.S.D.J.
16

17 A P P E A R A N C E S:

18 GENOVA, BURNS, ESQS.,
19 BY: ANGELO J. GENOVA, ESQ.,
20 BRETT PUGASH, ESQ.,
21 &
22 PERKINS, COIE, ESQS.,
23 BY: JOSHUA L. KAUL, ESQ.,
24 Attorneys for the Plaintiffs

25 KING & SPALDING, ESQS.,
26 BY: BOBBY R. BURCHFIELD, ESQ.,
27 MATT LELAND, ESQ.,
28 BARRETT YOUNG, ESQ.,
29 Attorneys for the Defendants

30 _____
31 Purusant to Section 753 Title 28 United States Code, the
32 following transcript is certified to be an accurate record
33 taken stenographically in the above entitled proceedings.

34 _____
35 JOHN KEVIN STONE,
36 Official Court Reporter

1 Now, going into this analysis I cannot
2 overemphasize enough that the DNC has presented no evidence
3 to this Court, -- no evidence to this Court of any improper
4 ballot security efforts on election day, or around that
5 time. I know that the DNC had persons employed. Those
6 persons submissions to the Court formed the basis of a lot
7 of what occurred in Nevada. But critically to this Court,
8 is following election day, the DNC has not produced any
9 evidence of any improper ballot security efforts that they
10 were aware of, much less that those efforts were tied to the
11 RNC. And that's critically important. Because I need to
12 know, are we discussing were there any real efforts to
13 engage in prohibited ballot security efforts at or around
14 election day, and to date I do not have any information in
15 front of me on this record that it actually occurred.

16 I then turned to the request by the DNC in this
17 case for additional discovery. First, there's the request
18 as to Mr. Knepper.

19 The reason why this request, according to the
20 RNC -- DNC, excuse me, should be given a jaundiced eye, is
21 that although the RNC was permitted to engage in normal poll
22 watching functions as defined by Judge Debevoise, the RNC
23 has represented that they declined to do so out of an
24 abundance of caution. And I looked at each email. So we
25 have Exhibit 1, it was a delegate list and poll watchers for

EXHIBIT B

1 THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY
3 CIVIL ACTION NO. 81-3876 (JMV)
4 - - - - - x :
5 DEMOCRATIC NATIONAL COMMITTEE, :
6 et al., : TRANSCRIPT
7 Plaintiffs, : OF
8 -v- : PROCEEDINGS
9 REPUBLICAN NATIONAL COMMITTEE, :
10 et al., : (CONFERENCE)
11 Defendants. :
12 - - - - - x

13 July 6, 2017
14 Newark, New Jersey

15 B E F O R E: HONORABLE JOHN MICHAEL VAZQUEZ, U.S.D.J.
16 A P P E A R A N C E S:

17 GENOVA, BURNS, ESQS.,
18 BY: ANGELO J. GENOVA, ESQ.,
19 RAJIV D. PARIKH, ESQ.,
20 Attorneys for the Plaintiffs
21 &
22 PERKINS, COIE, ESQS.,
23 BY: JOSHUA L. KAUL, ESQ.,
24 Attorneys for the Plaintiffs

25 KING & SPALDING, ESQS.,
26 BY: BOBBY R. BURCHFIELD, ESQ.,
27 MATT LELAND, ESQ.,
28 Attorneys for the Defendants

29
30
31 Purusant to Section 753 Title 28 United States Code, the
32 following transcript is certified to be an accurate record
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34
35 JOHN KEVIN STONE,
36 Official Court Reporter

1 And then we can narrow it down if we have to at that point.

2 THE COURT: No, no, listen, you have very narrow
3 areas of allegations. And I said we're going to limit it to
4 the allegations that have been made. And the evidence you
5 brought in.

6 I was anticipating after the election the DNC would
7 be back in here and figured out there were ballot security
8 measures going on in these different areas. That evidence
9 has not been produced to me, as the RNC pointed out.

10 So I'm left with what I had before the election, as
11 well as a supplement declaration of Ellen Lindsay and the
12 other document that you gave.

13 You just have not come up with the evidence to
14 support it. And I know the DNC had people out there looking
15 for ballot integrity issues. If you had that information
16 and you came to the Court, I would have went back to them
17 with discovery. But you just haven't presented it.

18 MR. PARIKH: Thank you.

19 THE COURT: And just for the record, the request
20 we're looking at is "to provide all documents and
21 communications sent or received by you that contain any of
22 the following phrases: Vote fraud, voter fraud, illegal
23 votes, fraudulent votes, vote suppression, -- sorry, John,
24 voter suppression, or variations of these terms. Also
25 terms: Intimidate, intimidation, red shirt, poll watch,